

IN RE: PETITION FOR SPECIAL EXCEPTION  
E/S Bird River Road, 1015' N  
of the c/l of Reams Road  
(10201 Bird River Road)  
15th Election District  
5th Councilmanic District  
Holly Hills Memorial Gardens  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 93-76-X

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owner of the subject property, Holly Hills Memorial Gardens, Inc., by and through its attorney, Michael P. Tanczyn, Esquire. The Petitioner requests a special exception to permit a mausoleum complex on the subject property in accordance with Petitioner's Exhibits 1 and 2.

Appearing on behalf of the Petition were Michael P. Tanczyn, Esquire, Joseph Larson, Professional Engineer, and Sarah Rex. There were no Protestants.

Testimony indicated that the subject property, known as 10201 Bird River Road, consists of 99.13 acres, more or less, split zoned D.R. 2 and D.R.1 and is the site of the Holly Hills Memorial Gardens burial grounds. The Petitioner is desirous of expanding existing facilities by constructing a mausoleum complex on the subject property in accordance with Petitioner's Exhibit 1. Due to the property's zoning classification, a special exception is necessary in order to proceed with the proposed improvements. Testimony indicated that the relief requested meets the requirements of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and will not result in any detriment to the health, safety or general welfare of surrounding uses.

It is clear that the B.C.Z.R. permits the use proposed in the D.R.2 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

- 2 -

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 23<sup>rd</sup> day of October, 1992 that the Petition for Special Exception to permit a mausoleum complex on the subject property, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
Date 10/23/92  
By [Signature]

- 3 -

Baltimore County Government  
Zoning Commission  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

October 22, 1992

(410) 867-4386

Michael P. Tanczyn, Esquire  
606 Baltimore Avenue, Suite 106  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION  
E/S Bird River Road, 1015' N of the c/l of Reams Road  
(10201 Bird River Road)  
15th Election District - 5th Councilmanic District  
Holly Hills Memorial Gardens, Inc. - Petitioners  
Case No. 93-76-X

Dear Mr. Tanczyn:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Kuceliff at 887-3351.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Michael Barranger  
Spellman, Larson & Associates  
105 W. Chesapeake Avenue, Towson, Md. 21204

People's Counsel

File

## Petition for Special Exception 93-76-X to the Zoning Commissioner of Baltimore County for the property located at 10201 Bird River Road which is presently zoned DR2/DR1

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for the construction of a mausoleum complex to be used as a complement to the existing memorial garden facilities.

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee  
(Type or Print Name)  
Signature  
Address  
City State Zipcode  
Attorney for Petitioner  
(Type or Print Name)  
Signature  
Address  
City State Zipcode  
Office Use Only  
ESTIMATED LENGTH OF HEARING  
On following date: \_\_\_\_\_  
ALL OTHER  
RECEIVED BY: LG DATE: 8/2/92

Who do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.  
Holly Hills Memorial Gardens, Inc.  
Michael J. Mitchell  
(Refer to attached Power of Attorney)  
Signature  
Holly Hill Memorial Gardens  
9102 N. Meridian St., Suite 300(317)580-0085  
Address  
Indianapolis Indiana 46260  
City State Zipcode  
Name, Address and phone number of legal owner, contract purchaser or representative to be notified.  
Michael Barranger, Spellman, Larson & Assoc.  
Name 105 W. Chesapeake, Suite 109  
Address Towson, Maryland 21204 (410) 823-3535  
City State Zipcode

## SPELLMAN, LARSON & ASSOCIATES, INC.

SUITE 109 - JEFFERSON BUILDING  
105 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
TEL 823-3535  
FAX 825-5215

ROBERT E. SPELLMAN, P.L.S.  
JOSEPH L. LARSON  
ERIC D. PERRY  
JO ANN W. ROGGE

### DESCRIPTION FOR A ZONING HEARING, BIRD RIVER ROAD, 15TH DISTRICT, BALTIMORE COUNTY, MARYLAND

Page 1

Beginning for the same at a point in Bird River Road at the distance of 1015 feet, more or less, measured northeasterly along Bird River Road from the centerline of Reams Road and running thence and binding in Bird River Road North 44 Degrees 46 Minutes 18 Seconds East 105.00 feet North 38 Degrees 46 Minutes 18 Seconds East 104.00 feet North 31 Degrees 46 Minutes 18 Seconds East 75.00 feet North 29 Degrees 16 Minutes 18 Seconds East 213.00 feet North 28 Degrees 26 Minutes 18 Seconds East 52.00 feet and North 24 Degrees 05 Minutes 00 Seconds East 60.73 feet thence leaving Bird River Road and running South 57 Degrees 32 Minutes 24 Seconds East 2557.50 feet South 46 Degrees 07 Minutes 36 Seconds West 1171.50 feet South 55 Degrees 42 Minutes 48 Seconds West 1530.18 feet North 39 Degrees 02 Minutes 12 Seconds West 627.00 feet and North 0 Degrees 22 Minutes 48 Seconds East 2053.17 feet to the place of beginning.

Containing 99.13 acres of land, more or less

08/18/92



RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING  
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING  
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

93-76-X

District 15TH Date of Posting 8/2/92  
Posted for: Special Exception  
Petitioner: Holly Hills Memorial Gardens, Inc.  
Location of property: 10201 Bird River Rd., 1015' N of Reams Rd.  
Location of Sign: Along roadway at entrance to Memorial Gardens  
Remarks:  
Posted by: [Signature] Date of return: 8/2/92  
Number of Signs: 1

### CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/24, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/24, 1992

THE JEFFERSONIAN,

*S. Zaki Orlan*  
Publisher

~~6262~~

6262

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Account: R-001-6150  
Number

8/27/92

PUBLIC HEARING FILED

050 - SPECIAL EXCEPTION

LAST NAME OF OWNER: MITCHELL

UNAD-00025MICHRG \$300.00  
EA 000412PM08-27-92  
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Account: R-001-6150  
Number

93-76

UNAD-00116MICHRG \$62.62  
EA 001220PM13-15-92  
Please Make Checks Payable To: Baltimore County

Cashier Validation

59

59

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

DATE:

Holly Hills Memorial Gardens, Inc.  
9102 N. Meridian Street, Suite 300  
Indianapolis, Indiana 46260

RE:  
CASE NUMBER: 93-76-X (Item 59)  
475 Bird River Road, 1015' E of c/I Beams Road  
10201 Bird River Road  
15th Election District - 5th Councilmanic  
Petitioner(s): Holly Hills Memorial Gardens, Inc.  
HEARING: THURSDAY, OCTOBER 15, 1992 at 9:00 a.m. in Rm. 118, Old Courthouse

Dear Petitioner(s):

Please be advised that \$62.62 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

*Arnold Jablon*

ARNOLD JABLON  
DIRECTOR

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

October 6, 1992

(410) 887-3353

Michael J. Mitchell  
Holly Hills Memorial Gardens, Inc.  
9102 N. Meridian Street, Suite 300  
Indianapolis, IN 46260

RE: Item No. 59, Case No. 93-76-X  
Petitioner: Holly Hills Memorial Gardens, et al  
Petition for Special Exception

Dear Mr. Mitchell:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this  
27th day of August, 1992

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:

*W. Carl Richards Jr.*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Holly Hills Memorial Gardens, et al  
Petitioner's Attorney

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: September 21, 1992

FROM: Ervin McDaniel, Chief  
Office of Planning and Zoning  
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee  
September 8, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Holly Hills Memorial Gardens, Item No. 59

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: *Francis Morsey*

Division Chief: *Ervin McDaniel*

EMcd/FM:rdn

ITEM59/ZAC1

*Rec'd jw 9/29/92*

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: September 22, 1992

FROM: J. Lawrence Pilson  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #59  
10201 Bird River Road - Holly Hills Memorial Gardens  
Zoning Advisory Committee Meeting of September 8, 1992

Additional information is needed from the applicant before the Department can complete the review of this zoning item. The applicant may contact the Environmental Impact Review Division of this Department at 887-3980 for details.

LP:sp

HOLLYH/TXTSBD

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21204-5500

SEPTEMBER 9, 1992

(410) 887-4500

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: HOLLY HILLS MEMORIAL GARDENS, INC.

Location: #10201 BIRD RIVER ROAD -- HOLLY HILLS  
MEMORIAL GARDENS

Item No.: + 59 (LJG) Zoning Agenda: SEPTEMBER 8, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl J. J. J.*  
Planning Group  
Special Inspection Division

JP/KEK

RECEIVED  
SEP 10 1992

ZONING OFFICE

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

August 29, 1994

Derrin Douglass  
Gibraltar Mausoleum Construction Company  
9102 North Meridian Street  
Indianapolis, IN 46260

RE: Building Permit No. B-205924  
10201 Bird River Road  
15th Election District

Dear Mr. Douglas:

The Zoning Office cannot approve the above referenced building permit application for the following reasons:

Improper setbacks

Clarification is needed as the site plan approved in zoning case #93-76-X differs with the plan submitted with this building permit application. The hearing plan shows future "gardens" adjoining the existing chapel building while the permit plan shows "mausoleum" numbers 1 and 2. As such, there are deficient setbacks between the proposed mausoleum buildings and the chapel. I will review this discrepancy with Mr. Kotroco, the Deputy Zoning Commissioner, who wrote the 10/22/92 zoning order, when he returns on September 6.

If you have any further questions, you may contact me at 887-3391 to make an appointment.

Very truly yours,

*John J. Sullivan, Jr.*  
John J. Sullivan, Jr.  
Planner II

JJS:ecj

cc: Holly Hill Memorial Gardens  
10201 Bird River Road  
Baltimore, MD 21220

Printed with Recycled Ink  
on Recycled Paper

IN THE MATTER OF \* BEFORE THE ZONING COMMISSIONER  
THE PETITION OF \* FOR BALTIMORE COUNTY  
GIBRALTAR MAUSOLEUM \*  
CORPORATION FOR A \* Case No. 93-76-X  
SPECIAL HEARING \* Item 59  
\* \* \* \* \*

ENTRY OF APPEARANCE

PLEASE ENTER the appearance of Michael P. Tanczyn, Esq. as counsel for the Petitioner, GIBRALTAR MAUSOLEUM CORPORATION, in the above matter, advise him of any hearing date when scheduled, and forward to him copies of the County comments when they are available.

*Michael P. Tanczyn*  
MICHAEL P. TANCZYN, ESQ.  
Attorney for the Petitioner  
606 Baltimore Avenue, Suite 106  
Towson, Maryland 21204  
Telephone: (410) 296-8823

I HEREBY CERTIFY that, on this 10th day of September, 1992, a copy of the foregoing was mailed, postage prepaid, to Phyllis Cole Friedman, Esq., People's Counsel for Baltimore County, 400 Washington Avenue, Towson, Maryland, 21204.

RECEIVED  
OCT 1 1992

ZONING OFFICE

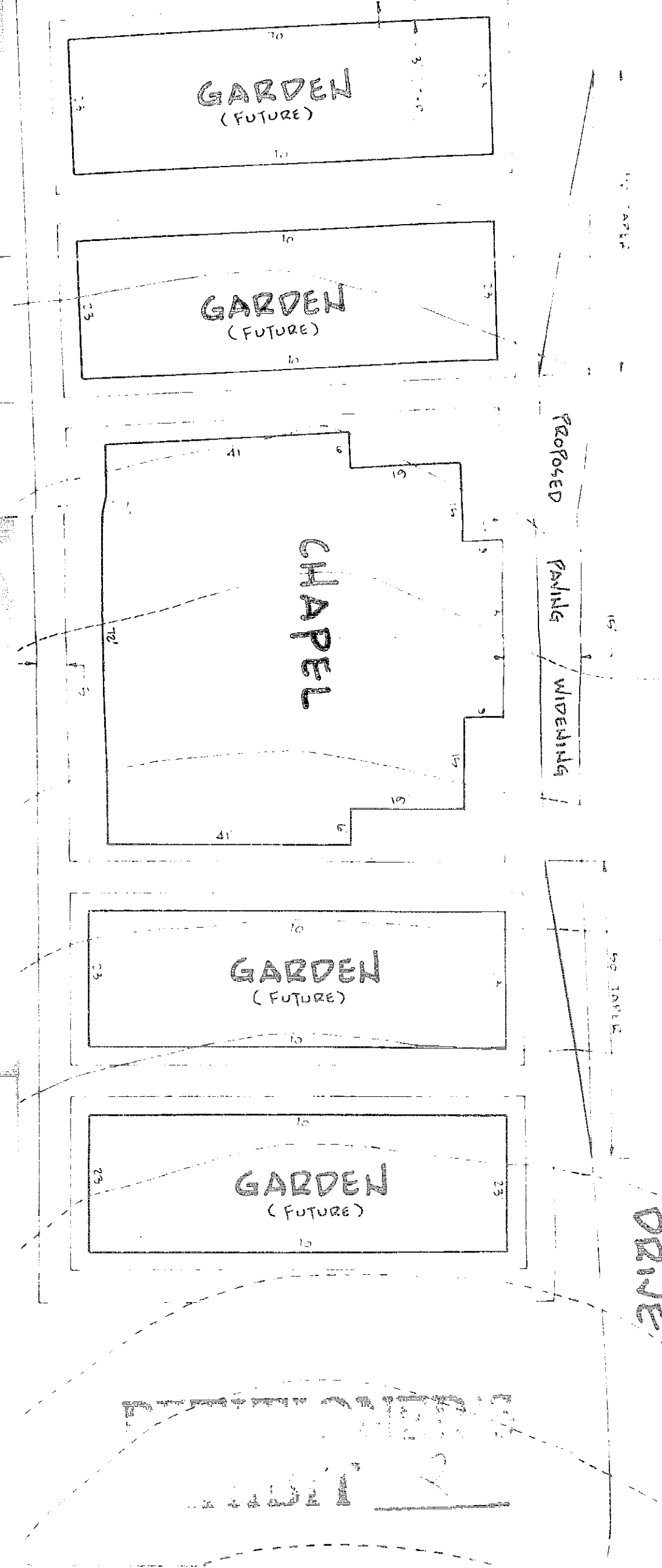
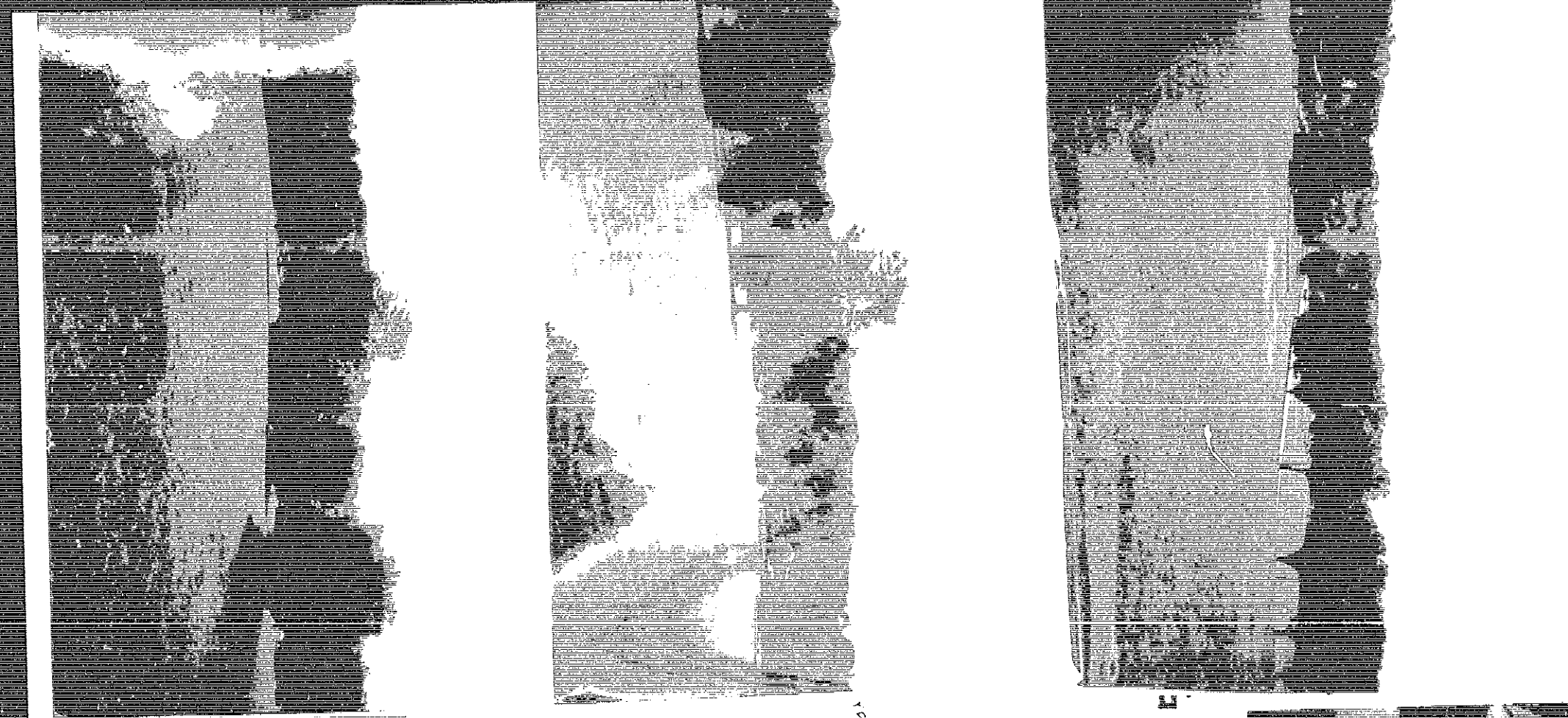






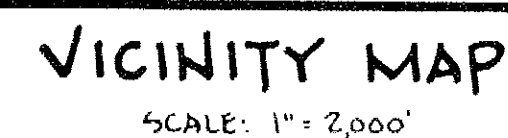


93-76-X





1.	WANDA S SMITH	15-10-151130	00051042
2.	JANE A BUTT	15-07-0067120	01001903
3.	JENNIFER C HILL	15-02-001240	00041140
4.	WILLIAM J HAZLEY HALE	14-00-007002	03111717
5.	JOHN E FRANCES GILBERT	14-00-003056	00071100
6.	RAYMOND E GERVIN HALL	15-08-003470	02071555
7.	JAMES WALOT	15-02-004100	00161300
8.	JANE L WITHROW	15-03-001290	00211304
9.	JOHN E BUTT	15-01-001500	00041100
10.	ROBERT E BULL JENN ROBERTO	15-10-114093	00041100
11.	BOYCE E PATRICIA STEVENS	15-10-114032	00041100



1. COUNCILMANHIG DISTRICT: 5
2. ZONING: DR 2 (99.965 AC) DR 1 (9.745 AC)
3. SITE AREA: 60045.0013 AC.2
4. DEED REFERENCE: 44049/051
5. TAX ACCOUNT NUMBER: 15-00-054230
6. OWNERSHIP: HOLLY HILLS MEMORIAL GARDENS, INC.
7. ZONING MAPS: DE W-1 & DE W-3
8. PREVIOUS ZONING HEARINGS: NONE
9. CEMETERY ESTABLISHED IN 1964

AT THE TIME OF APPLICATION FOR A BUILDING PERMIT FOR THIS PROJECT A REVIEW BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT WILL BE REQUIRED TO ADDRESS ANY ENVIRONMENTAL ISSUES RELATING TO EXISTING STREAMS AND NON-TIDAL WETLANDS.

FOR BUILDING LAYOUT SEE SHEET 2 OF 2.

[illegible]

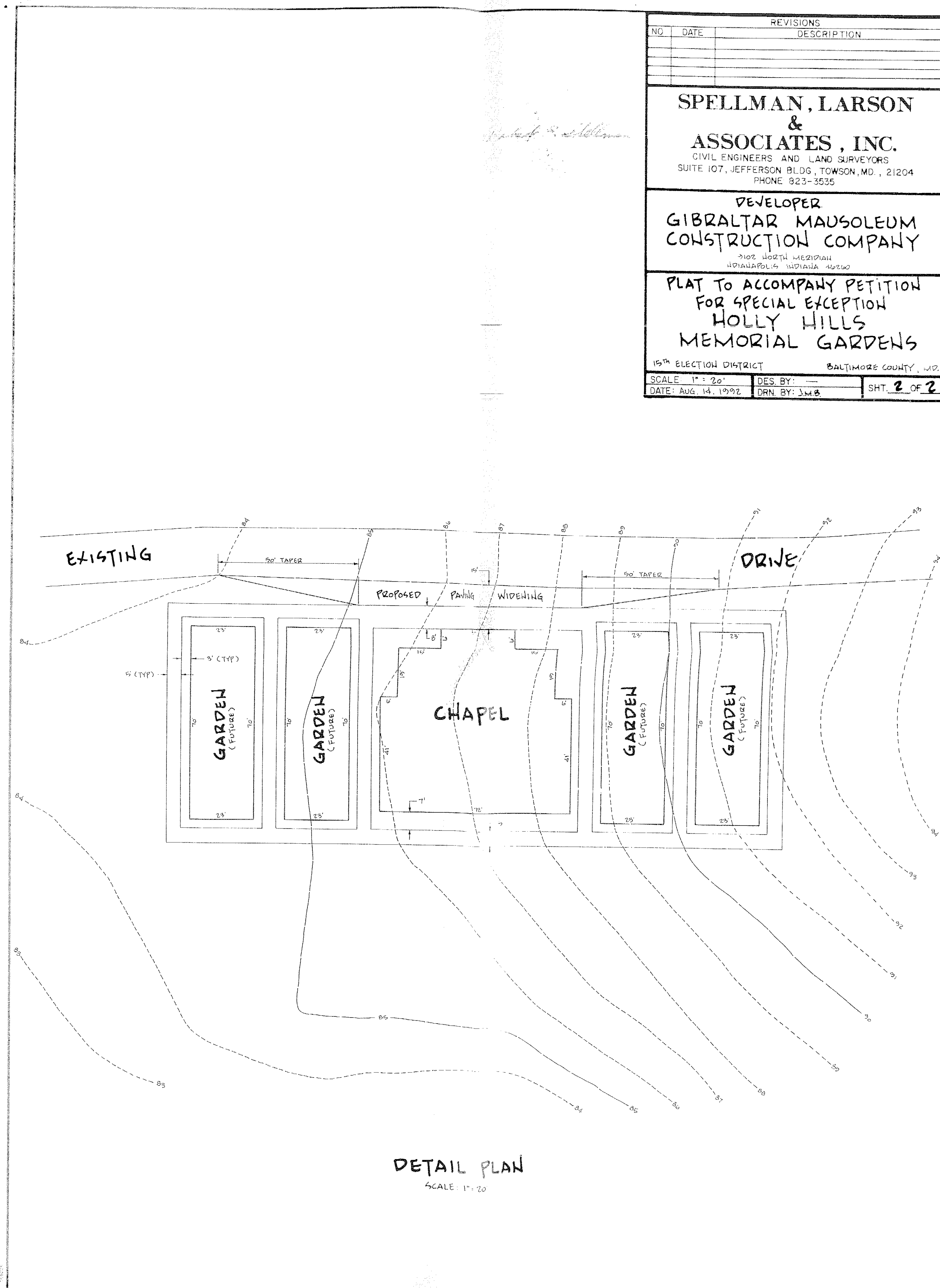
**SPELLMAN, LARSON  
&  
ASSOCIATES, INC.**  
CIVIL ENGINEERS AND LAND SURVEYORS  
SUITE 107, JEFFERSON BLDG., TOWSON, MD., 21204  
PHONE: 823-3535

DEVELOPER  
GIBRALTAR MAUSOLEUM  
CONSTRUCTION COMPANY

PLAT TO ACCOMPANY PETITION  
FOR SPECIAL EXCEPTION  
HOLLY HILLS  
MEMORIAL GARDENS

15<sup>TH</sup> ELECTION DISTRICT BALTIMORE COUNTY, MD.

SCALE: 1" = 200'	DES. BY: —	SHT. 1 OF 2
DATE: AUG. 14, 1992	DRN. BY: S.M.B.	



**SPELLMAN, LARSON  
&  
ASSOCIATES, INC.**  
CIVIL ENGINEERS AND LAND SURVEYORS  
SUITE 107, JEFFERSON BLDG, TOWSON, MD., 21204  
PHONE 823-3535

DEVELOPER  
GIBRALTAR MAUSOLEUM  
CONSTRUCTION COMPANY  
1102 NORTH MEZIMIAN  
INDIANAPOLIS INDIANA 46260

PLAT TO ACCOMPANY PETITION  
FOR SPECIAL EXCEPTION  
HOLLY HILLS  
MEMORIAL GARDENS

15<sup>TH</sup> ELECTION DISTRICT BALTIMORE COUNTY, MD.

SCALE: 1" = 20'	DES. BY: —	SHT. <u>2</u> OF <u>2</u>
DATE: AUG. 14, 1992	DRN BY: <u>W.B.</u>	